



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
WATER COUNCIL

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3434 FAX (603) 271-2982



STATE OF NEW HAMPSHIRE  
WATER COUNCIL

**Decision & Order**

**Docket No. 03-14 WC**

Appeal of Gerald A. Bell  
In Re: Application for Waiver of Septage Rules

***Assented-to Motion to Stay Appeal***

**Background**

On September 18, 2003, Gerald A. Bell ("Appellant") filed a petition for appeal with the NH Water Council ("the Council").

On December 31, 2003, the Appellant filed a Notice of Filing of Declaratory Judgment Action with the Council.

On December 31, 2003, the Department of Environmental Services Water Division ("DES"), filed an Assented-to Motion to Stay Appeal. In its filing, DES argues that further action in this appeal should be stayed pending the outcome of the Petition for Declaratory Judgment before the Merrimack Superior Court, the outcome of which will likely have a direct impact on this appeal.

**Discussion / Conclusion**

The Council agrees that in the interest of efficiency, a stay of this appeal is appropriate at this time. However, all parties to this appeal are hereby ordered to appear before the Council to offer a case status update at its regular April Council Meeting currently scheduled for April 14, 2004 at 9:00am. At that time the parties to the appeal should be prepared to request that the Council continue the stay or proceed forward with the appeals process.

Docket No. 03-14 WC – Gerald A. Bell Appeal  
Decision & Order on Motion to Stay Appeal  
January 6, 2004

**Order**

Motion to Stay Appeal is **GRANTED** with conditions noted above.

So Ordered for the Council by: \_\_\_\_\_ January 6, 2004

**COPY**  
Michael Seligman Appeals Clerk